

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Richard Steven Keen

Docket No. 5:04-CR-204-1BO

Petition for Action on Supervised Release

COMES NOW Scott Plaster, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Richard Steven Keen, who, upon an earlier plea of guilty to Count 1 - Possession of Firearms by a Felon and Count 2 - Possession of Stolen Firearms, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on February 17, 2005, to the custody of the Bureau of Prisons for a term of 180 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall cooperate in the collection of DNA as directed by the probation officer.

On December 8, 2011, the defendant's judgment was amended as a result of a motion pursuant to 28 U.S.C. § 2255, reducing the period of imprisonment to a period of time served. The period of supervised release was also reduced from a total term of five years to three years.

Richard Steven Keen was released from custody on December 8, 2011, at which time the term of supervised release commenced.

On March 8, 2012, the conditions of supervised release were modified to include participation in a vocational training program in an effort to assist the defendant with obtaining forklift training and certification.

On April 20, 2012, the court was notified of the defendant's arrest for the offense of Simple Assault. The conditions of supervision were modified to include participation in cognitive behavioral therapy in an effort to address how the defendant thinks, makes judgments and decisions based upon what is right and wrong, and to teach the defendant how to set and achieve realistic goals.

On May 29, 2012, the condition requiring the defendant to complete cognitive behavioral therapy was removed in lieu of 45 days of home detention with electronic monitoring due to the defendant obtaining employment with work hours that conflicted with the cognitive behavioral program.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On January 31, 2014, the defendant was arrested and charged with one count of Financial Card Fraud and one count of Attempt to Obtain Property by False Pretense (14CR202545) in Wake County, North Carolina. The defendant stated a coworker asked him to participate in a scheme to obtain a \$500 gift card by using the coworker's credit card information which was encoded on a separate gift card being used for the fraudulent transaction. The plan was for the defendant and the coworker to split the proceeds from the fraudulent transaction. The bank did not incur a loss during the attempted fraudulent activity due to the "victim's" account being flagged for suspicious activity. The defendant has admitted to his role in the attempt to obtain property by false pretenses. Rather than return to court for revocation proceedings, it is recommended the defendant be given one more chance to change his thinking and behavior. He has agreed to participate in and successfully complete a cognitive behavioral program as directed by the probation office, in addition to completing 24 hours of community service work. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall perform 24 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required \$200 fee.
2. The defendant shall participate in a cognitive behavioral program as directed by the probation office.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/Jeffrey L. Keller
Jeffrey L. Keller
Supervising U.S. Probation Officer

/s/Scott Plaster
Scott Plaster
U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: (919) 861-8660
Executed On: February 19, 2014

ORDER OF COURT

Considered and ordered this 21 day of February, 2014, and ordered filed and made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
U.S. District Judge